IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ROBERT BENJARANO MARTINEZ §

VS.

§ CIVIL ACTION NO. 1:08ev314

FEDERAL BUREAU OF PRISONS, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Robert Benjarano Martinez, formerly a prisoner confined at the Federal Correctional Complex in Beaumont, Texas, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends that the defendants' motion to dismiss and for summary judgment should be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion to dismiss and for summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with this memorandum.

So ORDERED and SIGNED this 29 day of July, 2011.

Ron Clark, United States District Judge

Rm Clark